

SUPPORT FOR THE AMENDMENT

This Amendment amends Claims 1-15; and adds new Claims 16-20. Support for the amendments is found in the specification and claims as originally filed. In particular, support for Claims 1 and 8 are found in the specification at least at page 10, line 20 ("an irradiation apparatus"); page 11, line 15 ("which transmits only light"); page 10, lines 19-21 ("Light transmitted through a filter is applied to a photosensitizer"); page 11, line 25 ("as a means for selecting a wavelength"); and page 12, line 12 ("a lighting system of the lamp"). Support for new Claims 16-17 is found in original Claims 1 and 8 and in the specification at least at page 26, lines 25-28. Support for new Claims 18-20 is found at least in original Claims 1 and 8. No new matter would be introduced by entry of these amendments.

Upon entry of these amendments, Claims 1-20 will be pending in this application. Claims 1, 8 and 16 are independent.

REQUEST FOR RECONSIDERATION

Applicants respectfully request entry of the foregoing and reexamination and reconsideration of the application, as amended, in light of the remarks that follow.

The present invention provides an irradiation apparatus, for photodynamic therapy or photodynamic diagnosis, that contains a discharge lamp and a lighting system capable of applying light radiation from the discharge lamp to a photosensitizer having a relatively large adsorption coefficient within certain wavelength ranges.

Claims 1-3, 6-10 and 13-15 are rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 3,958,145 ("Jack"). In addition, Claims 1, 4-5, 8 and 11-12 are rejected under 35 U.S.C. § 103(a) over Jack in view of JP54-30228 ("Tokyo").

Jack discloses a high pressure mercury vapor discharge lamp comprising a rare gas,

mercury, halides of tin (with the exception of fluoride) and halides of lithium with the exception of fluoride), where up to a maximum of 50 mol% of the lithium halide may be replaced by sodium halide. Jack at abstract.

Tokyo discloses a metal vapor discharge lamp filled with a rare earth metal halide, sodium halide, potassium halide and/or rubidium halide. Tokyo at English-language abstract.

However, the cited prior art fails to suggest the limitations of independent Claims 1 and 8 of an irradiation apparatus comprising the recited discharge lamp and a lighting system capable of applying a light radiated from the discharge lamp to a photosensitizer.

Because the cited prior art fails to suggest all of the limitations of the claimed invention, the rejections under 35 U.S.C. § 102 and § 103 should be withdrawn.

New Claims 16-17 are also patentably distinguishable over Jack and Tokyo. Jack and Tokyo disclose discharge lamps including *halides* of one or more of lithium, sodium, potassium, and rubidium. However, the cited prior art fails to suggest the limitation of independent Claims 16-17 of a discharge lamp comprising "at least one *metal* selected from the group consisting of lithium (Li), sodium (Na), rubidium (Rb) and potassium (K)".

Claims 1-15 are rejected under 35 U.S.C. § 112, second paragraph. To obviate that rejection, Claims 1 and 8 are amended.

Pursuant to M.P.E.P. § 821.04, after independent product Claims 1, 8 and 16 are allowed, Applicants respectfully request examination and allowance of new method Claims 18-20, which include all of the limitations of independent product Claims 1, 8 and 16, respectively.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Applicants respectfully request favorable consideration and prompt allowance of the application.

Should the Examiner believe that anything further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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